

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET

CR No.	15-214-MV			USA vs.	Viarral		
Date:	January 26, 2017			Name of Deft:	Gerald James Viarral		
Before the Honorable				Martha Vázquez			
Time In/Out:	9:45 a.m. / 11:20 A.M.			Total Time in Court (for JS10):	1 hour, 35 minutes		
Clerk:	Linda Romero			Court Reporter:	Carmela McAlister		
AUSA:	Kyle Nayback, Novaline Wilson			Defendant's Counsel:	Stephen Aarons		
Sentencing in:	Santa Fe, New Mexico			Interpreter:			
Probation Officer:	Kara Thomas			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input type="checkbox"/>	Plea	<input checked="" type="checkbox"/> Verdict	As to:	<input type="checkbox"/>	Information	<input checked="" type="checkbox"/> Indictment
If Plea:	<input type="checkbox"/>	Accepted	<input type="checkbox"/> Not Accepted	Adjudged/Found Guilty on Counts:			
If Plea Agreement:	<input type="checkbox"/>	Accepted	<input type="checkbox"/> Not Accepted	<input type="checkbox"/> No Plea Agreement	Comments:		
Date of Plea/Verdict:	12/16/15			PSR:	<input type="checkbox"/>	Not Disputed	<input checked="" type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings		Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed	<input type="checkbox"/> Needed
Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP): 120 months each as to Counts 1, 2, 3, and 6, to be run concurrently; and 120 months as to Count 5, to be run consecutive to the term imposed for Counts 1, 2, 3, and 6; for a total term of imprisonment of 240 months.			
Supervised Release:	3 years each as to Counts 1, 2, 3, and 6, and 5 years as to Count 5, all to be run concurrent, for a total term of supervised release of 5 years			Probation:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	500-Hour Drug Program
Court recommends ICE begin removal proceedings immediately or during service of sentence						<input type="checkbox"/> ICE not applicable	
SPECIAL CONDITIONS OF SUPERVISION							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for ___ months ___ days		
<input checked="" type="checkbox"/>	Substance abuse testing			<input checked="" type="checkbox"/>	Community service for 100 hours		
<input checked="" type="checkbox"/>	Substance abuse treatment program			<input checked="" type="checkbox"/>	Reside residential reentry center 6 months		
<input checked="" type="checkbox"/>	Mental health treatment program			<input type="checkbox"/>	Register as sex offender		
<input checked="" type="checkbox"/>	No alcohol/intoxicants			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	No contact with victim(s) and/or co-Def(s)			<input type="checkbox"/>	No computer with access to online services		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	No volunteering where children supervised		
<input checked="" type="checkbox"/>	Community based program for anger management			<input type="checkbox"/>	Restricted from occupation with access to children		
<input checked="" type="checkbox"/>	No psychoactive substances			<input type="checkbox"/>	No loitering within 100 feet of school yards		
OTHER:							
Fine:	\$	0		Restitution:	\$	0	
SPA:	\$	400 (\$100 as to each Count)		Payment Schedule:	<input checked="" type="checkbox"/>	Due Imm.	<input type="checkbox"/> Waived
OTHER:							
<input checked="" type="checkbox"/>	Advised of Right to Appeal			<input type="checkbox"/> Waived Appeal Rights per Plea Agreement			
<input checked="" type="checkbox"/>	Held in Custody			<input type="checkbox"/> Voluntary Surrender			
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			Court recommends that the defendant NOT be placed in the Phoenix BOP facility or FCI La Tuna.			

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	Dismissed Counts:	
OTHER COMMENTS	Court addresses defendant. Defense counsel addresses Court, requests that the Court recommend the 500 RDAP program and that he not be placed in the Phoenix BOP facility or La Tuna BOP facility. Defense counsel introduces family members present in the courtroom. Defendant addresses Court. Government counsel addresses Court. Court addresses defendant and imposes sentence.	